

# **Exhibit 5**

500 Bausch & Lomb Place  
Rochester, New York 14604



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ATTORNEYS  
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June 10, 2019

VIA MAIL

Hon. Noach Dear  
Kings County Supreme Court  
360 Adams Street Room 189  
Brooklyn, NY 11201

Re: U.S. Bank National Association, etc. v. Michael Krichevsky, et al.  
Index No: 506127/2016

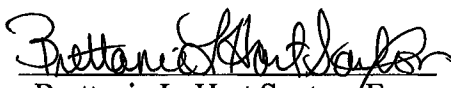
Dear Hon. Noach Dear,

On January 24, 2019, our office submitted a Judgment of Foreclosure and Sale returnable July 15, 2019. Since that time, the Defendant has filed for Bankruptcy and the Plaintiff has halted all foreclosure action. At this time, Plaintiff respectfully requests that the pending motion be withdrawn, without prejudice.

Enclosed is a postage-paid envelope. We request that you return all original motion documents to our office.

Thank you for your time and consideration.

Very truly yours,  
WOODS OVIATT GILMAN LLP

  
Brettanie L. Hart Saxton, Esq.  
Attorney for Plaintiff

BLS/cnw

Woods Oviatt Gilman LLP and the attorneys whom it employs are debt collectors who are attempting to collect a debt.  
{not of withdrawal pl: }20160296Any information obtained by them may be used for that purpose.

cc:

Michael Krichevsky  
4221 Atlantic Avenue, 2<sup>nd</sup> Floor, a/k/a 4219-4221 Atlantic Avenue  
Brooklyn, NY 11224

Michael Krichevsky  
120 Oceana Drive W, Apt 5D  
Brooklyn, NY 11235

New York State Department of Taxation and Finance  
300 Motor Parkway  
Hauppauge, NY 11788

Beth P. Schwartz, Esq.  
Assistant United States Attorney  
*Attorneys for Defendant United States of America by the Internal Revenue Service*  
271 Cadman Plaza East  
Brooklyn, NY 11201

City of New York Parking Violations Bureau  
100 Church Street, 4<sup>th</sup> Floor  
New York, NY 10007

Jane Doe  
4221 Atlantic Avenue, 2nd Floor, a/k/a 4219-4221 Atlantic Avenue  
Brooklyn, NY 11224

Maria Tomkevych  
4221 Atlantic Avenue, 1<sup>st</sup> Floor, a/k/a 4219-4221 Atlantic Avenue  
Brooklyn, NY 11224

Re: Notice of Withdrawal for a Motion to Confirm Referee Report and for a Judgment of Foreclosure and Sale  
Kings County Supreme Court – Index # 506127/2016  
U.S. Bank National Association, etc. v. Michael Krichevsky, et al.

STATE OF NEW YORK  
COUNTY COURT: COUNTY OF KINGS

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U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR  
BANC OF AMERICA FUNDING CORPORATION MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-F,

Plaintiff,

v.

MICHAEL KRICHEVSKY, NEW YORK STATE DEPARTMENT  
OF TAXATION AND FINANCE, UNITED STATES OF AMERICA  
BY THE INTERNAL REVENUE SERVICE, CITY OF NEW YORK  
PARKING VIOLATIONS BUREAU, JANE DOE, MARIA  
TOMKEVYCH,

Defendants.

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**NOTICE OF WITHDRAWAL**

**Index #: 506127/2016**

Mortgaged Property:  
4221 Atlantic Avenue a/k/a 4219-  
4221 Atlantic Avenue  
Brooklyn, NY 11224

**PLEASE TAKE NOTICE**, that the Plaintiff requests that its Judgment of Foreclosure and Sale pending before the court be withdrawn, without prejudice, and the matter removed from the Court's calendar with leave for Plaintiff to resubmit the same.

DATED: June 11, 2019

By:

Brettanie L. Hart Saxton  
Brettanie L. Hart Saxton, Esq.  
Woods Oviatt Gilman LLP  
700 Crossroads Building  
2 State Street  
Rochester, NY 14614  
855-227-5072

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF KINGS

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE  
FOR BANC OF AMERICA FUNDING CORPORATION  
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES  
2006-F,

Plaintiff,

v.

MICHAEL KRICHEVSKY, NEW YORK STATE  
DEPARTMENT OF TAXATION AND FINANCE,  
UNITED STATES OF AMERICA BY THE INTERNAL  
REVENUE SERVICE, CITY OF NEW YORK PARKING  
VIOLATIONS BUREAU, JANE DOE, MARIA  
TOMKEVYCH,

Defendants.

AFFIDAVIT OF MAILING

Index No.: 506127/2016

Mortgaged Property:  
4221 Atlantic Avenue a/k/a  
4219-4221 Atlantic Avenue  
Brooklyn, NY 11224

I, Chelsea Warren, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age, and reside in Rochester, New York.

On June 12, 2019, I served a copy of the Notice of Withdrawal for the  
Judgment of Foreclosure and Sale relative to the above matter in a sealed envelope, with postage prepaid  
thereon, in a post office or depository of the United States Postal Service within the State of New York,  
addressed to the last known address of the individuals as indicated below.

Chelsea Warren  
Clerk

Sworn to before me this  
12 day of June, 2019.

Kenadi Barton  
Notary Public

**KENADI BARTON**  
**NOTARY PUBLIC, State of New York**  
Qualified in Wyoming County  
Registration No. 01BA6385316  
Commission Expires December 31, 2022

TO:

Michael Krichevsky  
4221 Atlantic Avenue, 2<sup>nd</sup> Floor, a/k/a 4219-4221 Atlantic Avenue  
Brooklyn, NY 11224

Michael Krichevsky  
120 Oceana Drive W, Apt 5D  
Brooklyn, NY 11235

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